HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No. 767 of 2007

Between:

S.A. Kareem

… Appellant

And

M. Hari Babu & others

… Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri P. Veera Reddy

Counsel for respondent No.1 : Shri G. Rama Rao

September 28, 2007

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 03.09.2007 passed by the learned Single Judge in WVMP No. 1349 of 2007 in WPMP No. 15690 of 2007 (Writ Petition No. 12597 of 2007), whereby he declined to vacate interim order dated 18.06.2007 passed in favour of the writ petitioner (respondent No.1 herein) in the matter of his transfer and posting and made the same absolute.

In the writ petition filed by him, respondent No.1 – M. Hari Babu has questioned Memo dated 14.06.2007 issued by Superintending Engineer, Operation Circle, Southern Power Distribution Company of Andhra Pradesh Limited, Ongole, whereby he cancelled the order issued on 13.6.2007 for his transfer and posting as Assistant Divisional Engineer (Operation), Rural, Ongole and posted him back

as Assistant Divisional Engineer/CT Meters/Ongole, by alleging that the same has been done in order to accommodate non-petitioner No.3 (the appellant herein) for extraneous reasons.

While issuing notice of the writ petition, the learned Single Judge passed interim order in terms of the prayer made in WPMP No.15690 of 2007.

On notice, the appellant filed WVMP No.1349 of 2007 for vacating the interim order. He claimed that the transfer of the writ petitioner within the same district is not violative of his legal or constitutional rights and the High Court cannot exercise power of judicial review in such administrative matters.

By the impugned order, the learned Single Judge dismissed the vacate petition and made the interim order absolute.

We have heard Shri P. Veera Reddy, learned counsel for the appellant, Shri G. Rama Rao, learned counsel for respondent No.1 and perused the record.

Although we find considerable merit in the submission of the learned counsel for the appellant that in a matter involving transfer of two officers within the same station, this Court should be extremely loath to exercise the power of judicial review, but keeping in view the fact that the order under challenge is interlocutory in nature, we do not consider it proper to interfere with the discretion exercised by the learned Single Judge and feel that ends of justice will be met if a request is made to the Hon'ble Single Bench to hear and decide the writ petition within two weeks.

Hence, the appeal is disposed of with the direction that the main writ petition be listed on 3.10.2007 before the Bench having roaster for hearing such cases. The learned Single Judge is requested to consider the desirability of hearing and finally disposing of the main

writ petition within a period of two weeks.

As a sequel to disposal of the writ appeal, W.A.M.P. Nos. 1529 and 1611 of 2007 filed by the appellant are disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

September 28, 2007
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